UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,521	09/10/1999	NAOYUKI MATSUMOTO	35.G0708C/D2	4346

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EXAMINER
POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.		Applicant(s)
Office Action Summary	09/394,521		MATSUMOTO, NAOYUKI
	Examiner		Art Unit
	Joseph R. Pokrzywa		2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 March 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _25-31_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _25-31_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment was received on 3/15/04, and has been entered and made of record. Currently, **claims 25-31** are pending.

Response to Arguments

2.   Applicant's arguments filed 3/15/04 have been fully considered but they are not persuasive.

3.   In response to applicant's arguments regarding the rejection of claim 25, which was cited in the Office action dated 12/9/03 as being anticipated by Yokota *et al.* (U.S. Patent Number 5,598,533), whereby applicant argues on page 6 that Yokota fails to teach the limitation of checking, upon receipt of the commands by units of the data communication apparatus, operating conditions of the data communication apparatus. The examiner notes that Yokota teaches in column 6, lines 33 through 41, of analyzing received command data and reading parameter data associated with the command data if they exist. Further, in column 6, lines 42 through 47, Yokota teaches that the processing discussed above is executed when the personal computer generates the command data to the facsimile. Continuing, Yokota teaches in column 10, lines 36 through 54, that when the facsimile detects that the touch panel was touched, data is transmitted to the personal computer. Further in column 6, lines 48 through 54, Yokota shows that upon recognizing a command, or the touching of the touch panel 21, information related to operating conditions are sent to the personal computer. Thus, the examiner notes that upon reception of the

commands sent by the touch panel 21, which is being interpreted as a logic ID unit, operation

conditions are checked. Therefore one of ordinary skill in the art can recognize that Yokota

teaches of checking, upon receipt of the commands by units of the data communication

apparatus, operating conditions of the data communication apparatus.

Continuing, in response to applicant's arguments on pages 6 and 7, regarding the

limitation of notifying the host computer of the operating conditions in accordance with

commands from the host computer. As discussed above, Yokota teaches of checking, upon

receipt of the commands by units of the data communication apparatus, operating conditions of

the data communication apparatus. Further, as read in column 10, lines 40 though 54, the

personal computer receives data that notifies the operating conditions. Also, in column 11, lines

29 through 36, the personal computer outputs command data and subsequently receives data

which is a notification of the commands.

4.   Therefore, the rejection of **claim 25**, as well as **claim 29**, as cited in the Office action

dated 12/9/03, under 35U.S.C.102(e) as being anticipated by Yokota *et al.*, is maintained and

repeated in this Office action.

Claim Rejections - 35 USC § 102

5.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

6.   **Claims 25-31** are rejected under 35 U.S.C. 102(e) as being anticipated by Yokota *et al.* (U.S. Patent Number 5,598,533, cited in the Office action dated 12/9/03)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding *claim 25*, Yokota discloses a method (see Figs. 1 and 6) of controlling a data communication apparatus (facsimile) in a data processing system (seen in Fig. 1) that includes the data communication apparatus (facsimile) and a host computer (personal computer) connected to the data communication apparatus by an interface (command and printer ports 30, 32, and 35, see Fig. 1, column 4, lines 47 through 55), with the method comprising a communication step of communicating commands from the host computer to the data communication apparatus through an interface (column 4, line 56 through column 5, line 25), wherein the data communication apparatus (facsimile, see Fig. 1) is comprised of units including a scanner (image scanner 22, column 3, lines 37 through 45), a printer (23, column 3, lines 37 through 45), a storage unit (memory 27, column 3, lines 37 through 45), a line (25, see Fig. 1), and a logic ID unit (touch panel 21, column 3, lines 37 through 45, column 6, lines 55 through 66, and column 10, lines 29 through 48), a checking step of checking, upon receipt of the commands by units of the data communication apparatus operating conditions of the data communication apparatus (column 5, lines 1 through 7, column 6, lines 9 through 47, and

column 9, line 64 through column 10, line 35), a determination step of determining which units

of the data communication apparatus the commands are issued to (column 5, lines 1 through 15,

column 6, lines 9 through 54, and column 9, line 11 through column 14, line 46), and a

notification step of notifying the host computer of the operating conditions in accordance with

the commands from the host computer (column 5, lines 1 through 18, column 6, lines 9 through

47, and column 9, line 64 through column 10, line 35, seen in step S19 of Fig. 7B).

Regarding *claim 26*, Yokota discloses the method discussed above in claim 25, and

further teaches that the notification step notifies the host computer of operating conditions

comprising a change in status or internal state of the data communication apparatus (column 5,

lines 1 through 18, column 6, lines 9 through 47, and column 9, line 64 through column 10, line

35, seen in step S19 of Fig. 7B).

Regarding *claim 27*, Yokota discloses the method discussed above in claim 25, and

further teaches that the notification step notifies the host computer of the operating conditions in

accordance with a command from the host computer (column 5, lines 1 through 18, column 6,

lines 9 through 47, and column 9, line 64 through column 10, line 35, seen in step S19 of Fig.

7B).

Regarding *claim 28*, Yokota discloses the method discussed above in claim 25, and

further teaches that the data communication apparatus is included in a facsimile apparatus

(facsimile, see abstract, Fig. 1, and column 3, lines 10 through 45).

Regarding *claim 29*, Yokota discloses a method (see Figs. 1 and 6) of controlling a data

processing apparatus (facsimile) in a data processing system (seen in Fig. 1) that includes the

data processing apparatus (facsimile) and a host computer (personal computer), the data

processing apparatus and the host computer being connected to each other through an interface

(through command and printer ports 30, 32, and 35, see Fig. 1, column 4, lines 47 through 55),

and the data processing apparatus (facsimile) being able to communicate with another device

through a network without using the interface (through fax controller 24, column 3, lines 37

through 45), with the method comprising a command reception step of receiving by the data

processing apparatus, commands from the host computer through an interface (column 4, line 56

through column 5, line 25), wherein the data processing apparatus (facsimile, see Fig. 1) is

comprised of units including a scanner (image scanner 22, column 3, lines 37 through 45), a

printer (23, column 3, lines 37 through 45), storage unit (memory 27, column 3, lines 37 through

45), a line (25, see Fig. 1), and a logic ID unit (touch panel 21, column 3, lines 37 through 45,

column 6, lines 55 through 66, and column 10, lines 29 through 48), a checking step of checking,

upon receipt of the commands by units of the data processing apparatus, operating conditions of

the data processing apparatus (column 5, lines 1 through 7, column 6, lines 9 through 47, and

column 9, line 64 through column 10, line 35), a determination step of determining units of the

data processing apparatus that the commands are issued to (column 5, lines 1 through 15, column

6, lines 9 through 54, and column 9, line 11 through column 14, line 46), and a notification step

of notifying the host computer of information in accordance with the commands received in the

command reception step through the interface (column 5, lines 1 through 18, column 6, lines 9

through 47, and column 9, line 64 through column 10, line 35, seen in step S19 of Fig. 7B),

wherein the information comprises information regarding which units of the data processing

apparatus the commands are issued to (column 4, line 56 through column 5, line 18, and column

6, lines 33 through 54).

Regarding *claim 30*, Yokota discloses the method discussed above in claim 29, and

further teaches that the notification step notifies the host computer of a model type and a model

version in one set (column 9, line 49 through column 10, line 35, and column 11, line 52 through

column 12, line 53).

Regarding *claim 31*, Yokota discloses the method discussed above in claim 29, and

further teaches that the data processing apparatus is included in a facsimile apparatus (facsimile,

see abstract, Fig. 1, and column 3, lines 10 through 45).

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

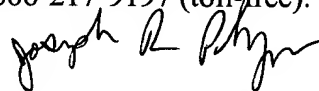date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The

examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Examiner
Art Unit 2622

jrp

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SUPERVISORY PATENT EXAMINER
TECH...